



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1413-99

14 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 20 May 1991 at age 20. On 13 September 1991 you reported to your first duty station. About 35 days later, you were diagnosed with a personality disorder with borderline and immature features. The psychiatrist noted your suicidal ideation and desire to get out of the Navy, and recommended administrative separation. On 27 November 1991 you received nonjudicial punishment for two periods of unauthorized absence totaling about six days. The punishment included restriction, extra duty, forfeiture of pay and a reduction in rate from AA (E-2) to AR (E-1). The reduction in rate and a part of the forfeitures were suspended for three months.

The record shows that you were processed for an administrative discharge based on the diagnosed personality disorder, written counseling, and subsequent documentation that the personality disorder interfered with the performance of your duties. In connection with this processing, you elected to waive your procedural rights. Subsequently, the commanding officer directed your discharge and you were issued a general discharge on 14 February 1992. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Character of service in cases such as yours is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct mark average was 2.8. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

In your application you are only requesting a change in the reenlistment code. You contend that your youth and immaturity prevented you from serving in the Navy. You state you were advised by a Navy lieutenant that you could get out of the Navy if you reported a suicide attempt, and you falsely told Navy authorities that you had attempted suicide so that you could get out of the Navy.

Regulations allow for the assignment of an RE-4 reenlistment code when an individual is discharged due to a diagnosed personality disorder. The Board noted that it is well settled in the law that an individual who procures a discharge by fraud should not benefit from the fraud when it is discovered. Further, the Board could not tell from the record whether you were lying then or are lying now. The Board concluded that your record of misconduct and poor performance was sufficient to support the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You may request recharacterization of your discharge by completing the enclosed application, DD Form 293, and submitting it to the Naval Discharge Review Board.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure